REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that applicants regard as the invention.

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Orten in view of Anderson and further in view of Tom (USPN 6,690,947). Claim 1 recites, "*an assistive listening device*, comprising: a wireless microphone adapted to be carried by an individual, comprising a microphone element for receiving audio signals from sound sources, a radio transmitter for transmitting radio signals carrying audio signals *to a hearing aid carried by another individual who is located remote from the wireless microphone*...wherein the interchangeable functional modules are communication modules for providing *the assistive listening device* with wireless communications over a plurality of networks."

The *assistive listening device* is a limitation of claim 1. It is introduced in the preamble of the claim and referred to in the body of the claim (i.e., the preamble provides antecedent basis for the later reference to "*the* assistive listening device" in the body of the claim). Accordingly, the assistive listening device is a limitation of claim 1. See, e.g., *Rapoport v. Dement*, 254 F.3d 1053, 1059 (Fed. Cir. 2001).

"Assistive listening device" is a term of art for a device that transmits audio signals from a microphone to an electric acoustic converter (e.g., a speaker in a hearing aid) located near the ear of an individual who is located remote from the microphone. Assistive listening devices are commonly found in schools, wherein the teacher carries the microphone and a hearing impaired

student using a hearing aid receives an audio signal from the microphone (see, e.g., application page 1, lines 7-17). Assistive listening devices are also referred to as "auditory assistance devices" in the art. An auditory assistance device for classroom use is discussed in the Anderson reference in the Background of the Invention section (1:37-60). The terms "assistive listening device" have a plain meaning in the relevant art and this limitation should be interpreted in accordance therewith. See MPEP § 2111.01.III.

Amended claim 1 requires that the assistive listening device include a wireless microphone adapted to be carried by an individual, and also include a transmitter for transmitting radio signals carrying audio signals to a hearing aid carried by another individual who is located remote from the wireless microphone. Claim 1 further requires interchangeable functional modules that provide the assistive listening device with wireless communications over a plurality of networks.

None of the cited references teaches or otherwise renders foreseeable such an assistive listening device. Orten teaches a wireless microphone with an exchangeable base part having signal processor equipment. Anderson teaches a hearing aid with a "remote" signal processor that is worn on the body of the hearing aid user (see, e.g., 6:2-3 and 20:48-52). Tom teaches a cellular telephone with modular cartridges for operating on different cellular networks.

Regarding Anderson, the disclosed hearing aid with "remote" signal processor is specifically distinguished from an assistive listening device (e.g., an auditory assistance device). Anderson points out that in assistive listening devices, RF transmissions are sent from a wireless microphone (e.g., a remote, hand-held wireless microphone) to a wireless receiver in or near an earpiece, providing a *one-way* radio transmitter and receiver system (1:45-49). Anderson's device does not use a remote, hand-held microphone and has a *two-way* wireless link between an

earpiece and the body-worn "remote" signal processor. Anderson recognizes that its device is not an assistive listening device and provides specific examples of how its device is different than an assistive listening device. Further, claim 1 requires that the wireless microphone transmit signals to a hearing aid carried by another individual who is located remote from the wireless microphone. Anderson's two-way wireless link is between the earpiece and the body-worn "remote" signal processor, each of which is located on a single individual.

Regarding Tom, the disclosed cellular telephone is not at all reasonably related to an assistive listening device. Unlike assistive listening devices, cellular telephones are two-directional devices, allowing both sending and receiving of electromagnetic signals. Further, cellular telephones are intended to transmit between similar devices. Assistive listening devices typically provide one-way communications from a microphone to a remote hearing aid.

In view of the discussion above, applicants submit that the cited combination of references does not teach, or otherwise render foreseeable, the claimed assistive listening device. Applicants respectfully request reconsideration and withdrawal of the rejection of independent claim 1 and dependent claims 2-10.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Orten in view of Anderson and further in view of Lee. Claim 11 requires a wireless microphone having interchangeable receiver and charging modules. The charging module is for recharging a rechargeable battery that powers the wireless microphone. The Office action cites Lee's battery 11 for teaching a rechargeable battery and Lee's battery pack 10 for teaching a charging module. The battery pack 10 is not interchangeably operatively connected to Lee's cellular telephone with respect to a Bluetooth device (cited for teaching a receiver module). The Bluetooth device would be connected to the battery pack 10, which in turn would be connected to the cellular

telephone 100 (see FIG. 3). Clearly, the Bluetooth device and the battery pack are not interchangeably connected to the cellular telephone (i.e., capable of changing places). Further, the battery pack 10 does not recharge the battery 11. The battery pack 10 includes the battery 11, and Lee teaches that it is the battery pack 10 that is recharged by a cellular telephone charger (3:7-10). Clearly, the battery pack 10, which the Office action cites for teaching a charging module, does not recharge the battery 11, but is itself recharged by another device (i.e., the cellular telephone charger).

Lee's battery pack 10 is neither "interchangeably operatively connected" in relation to the Bluetooth device nor "for recharging the rechargeable battery." Therefore, applicants respectfully submit that the cited combination of references fails to teach, or otherwise render foreseeable, all of the limitations of claim 11. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 11.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. BOV1-36182.

Respectfully submitted,
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